

## **§ 661.19**

### **§ 661.19 When does an eligible project receive funding?**

The statute provides that these funds are provided after the Secretary of Transportation (FHWA) approves a completed PS&E.

### **§ 661.21 How long will these funds be available?**

The statute provides that the funds for each fiscal year are available for the year authorized plus three years (a total of four years).

### **§ 661.23 What can these IRR bridge funds be used for?**

The statute provides that these funds can be used to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions, or install scour countermeasures for deficient IRR bridges, including multiple pipe culverts.

### **§ 661.25 What are the criteria for bridge eligibility?**

(a) Bridge eligibility requires the following:

- (1) Have an opening of 20 feet or more;
- (2) Be on an IRR;
- (3) Be unsafe because of structural deficiencies, physical deterioration or functional obsolescence; and
- (4) Be recorded in the national bridge inventory (NBI) maintained by the FHWA.

(b) Bridges that were constructed, rehabilitated or replaced in the last 10 years, will be eligible only for seismic retrofit or installation of scour countermeasures.

### **§ 661.27 When is a bridge eligible for replacement?**

To be eligible for replacement, the bridge must be considered deficient for reasons of structural deficiency or functional obsolescence. Also, the bridge must have a sufficiency rating of less than 50 to be eligible for replacement.

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### **§ 661.29 When is a bridge eligible for rehabilitation?**

To be eligible for rehabilitation, the bridge must be considered deficient for reasons of structural deficiency or functional obsolescence. Also, the bridge must have a sufficiency rating of less than or equal to 80 to be eligible for rehabilitation. A bridge would be eligible for replacement if the total life cycle cost for bridge rehabilitation exceeds the costs to replace.

### **§ 661.31 How does ownership impact project selection?**

Since the Federal government has both a trust responsibility and owns the BIA bridges on Indian reservations, primary consideration would be given to funding construction projects for deficient BIA owned IRR bridges. We emphasize that consideration could also be given to the funding of construction projects for the deficient non-BIA, IRR bridges, however; these projects must be supported by a tribal resolution.

### **§ 661.33 Do IRRBP projects have to be on a transportation improvement program (TIP)?**

Yes. All IRRBP projects have to be listed on an approved TIP. Under 23 U.S.C. 204(j), IRR bridges must appear on the BIA's IRRBP TIP and be forwarded to the State.

### **§ 661.35 What percent of the funding in any fiscal year is available for use on BIA owned IRR bridges and non-BIA owned IRR bridges?**

Up to 80 percent (\$10.4 million) of funding in any fiscal year would be available for use on BIA owned IRR bridges. This would leave 20 percent (\$2.6 million) of funding in any fiscal year that would be available for use on non-BIA owned IRR bridges. A smaller percentage of available funds has been set aside for non-BIA IRR bridges, since States and counties have access to Federal-aid and other funding to replace and rehabilitate their bridges and that 23 U.S.C. 204(c) requires that IRR funds be supplemental to and not in lieu of other funds apportioned to the State. The program policy will be to maximize the number of IRR bridges participating in the IRRBP in a given fiscal year regardless of ownership.